

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES WARNER, JR.,

Plaintiff,

Case No. 1:04-cv-208

v.

Hon. Richard Alan Enslin

MONTCALM COUNTY JAIL,

Defendant.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed June 3, 2005, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that Defendant's Motion for Dismissal and/or Summary Judgment is **GRANTED** and Plaintiff's complaint is **DISMISSED** for the reasons stated in the Report and Recommendation.

Dated in Kalamazoo, MI:  
June 24, 2005

/s/Richard Alan Enslin  
Richard Alan Enslin  
United States District Judge